

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-284-T - ORDER NO. 2021-268
MAY 18, 2021

IN RE: Application of R & M Charlotte, LLC d/b/a)	ORDER DENYING
Two Men and A Truck of Charlotte (f/k/a R)	PETITION FOR
& M Charlotte LLC d/b/a Two Men and a)	REHEARING OR
Truck of Rock Hill) to Amend Tariff)	RECONSIDERATION

This matter comes before the Public Service Commission of South Carolina (“the Commission”) on the Petition for Rehearing or Reconsideration of the Commission Directive denying the request to implement a Maximum Variable-Type Rate Tariff by R & M Charlotte, LLC d/b/a Two Men and A Truck of Charlotte (f/k/a R & M Charlotte LLC d/b/a Two Men and a Truck of Rock Hill) (“Two Men and A Truck” or “the Company”). The Petition for Rehearing or Reconsideration was filed under the authority of S.C. Code Ann. Regs. 103-854.

In the Commission Directive issued on March 10, 2021¹, in this Docket, the Commission denied the Company’s request to implement a maximum variable-type rate tariff and also denied the request for an exemption from S.C. Code Ann. Regs. 103-198. The Commission held that “it appears that a maximum variable rate tariff may not prevent customer discrimination.” The Commission did find that the question would be subject to further consideration as a general matter at a later date.

¹ See also Commission Order No. 2021-158.

However, Two Men and A Truck argues for rehearing or reconsideration with regard to the denial of approval of the maximum variable-type rate tariff. First, the Company argues that “a maximum rate is a ceiling that would only allow the Company flexibility to provide moves at prices below that maximum rate,” and “a maximum rate framework would allow the Company to meet the offer of a competitor, and allow market competition to benefit the customer.” The problem with this argument is that, even if a moving company sets a maximum rate, it can charge whatever rate it wants to charge below that maximum rate, with no restrictions. Although the Commission certainly does not wish to make unjust accusations, with this type of rate, there is nothing to stop a Company from discriminating by charging different rates for customers in need of the same services. This is the exact problem that S.C. Code Ann. Regs. 103-198 seeks to prevent.

Further, Two Men and A Truck points to the use of a maximum rate structure found in Commission Orders related to the telecommunications industry. It must be stated that the telecommunications industry has many distinctions from the moving industry, and a rate structure in the telecommunications industry may or may not be useful in the moving industry. This point may be discussed in future proceedings.


Finally, if the variable-type rate tariff was granted to Two Men and A Truck, it would be the only mover allowed to use this type of rate structure in South Carolina. The Company is aware of this, and states that it does not object to other companies operating in a similar way. This does not help solve the problems with this type of rate structure, but only multiplies the potential problems with it across multiple companies. Also, just

because a rate structure is available in other states, does not mean that it is appropriate for use in South Carolina.

We hold that it is not appropriate at this time for this Commission to approve an untested rate structure, nor is it appropriate to deviate from structured tariffs, as a result of one company's request. However, we hold that the matter is certainly worth further investigation. The matter of a maximum variable-type rate tariff is appropriate for study in the upcoming review of the Commission's Transportation Regulations under Docket No. 2020-247-A, and we hold that the maximum variable-type rate tariff shall be studied in that review.

As for now, however, the Petition for Rehearing or Reconsideration in this case is denied. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Justin T. Williams, Chairman
Public Service Commission of
South Carolina